

(1) Sixth Account Current and Report of Conservator, and (2) Petition for Allowance of Compensation to Conservator and Attorney (Prob. C. 2620, 2623, 2942)

<b>Age: 70</b>	<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: 11-1-10 through 10-31-12	
	Accounting: \$204,334.88	
	Beginnng POH: \$143,476.43	
	Ending POH: \$120,310.93 (\$120,010.93 is cash)	
	Conservator: \$866.56 (3.96 Deputy hours @ \$96/hr plus 6.4 Staff hours @ \$76/hr)	
	Attorney: \$2,500.00 (per local rule)	
	Bond fee: \$751.56 (ok) (based on assets, income)	
	<b>Petitioner prays for an Order:</b>	
	1. Approving, allowing and settling the account;	
	2. Authorizing conservator and attorney fees;	
	3. Authorizing payment of the bond fee; and	
	4. Any other orders the Court considers proper.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCC/JEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 4-11-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 - Jones</b>

**(1) Second Account Current and (2) Report of Conservator and (3) Petition for Allowance of Compensation to Attorney (Prob. C. 2620, 2623, 2640, 2942)**

<b>DOD: 2-15-13</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> The Conservatee passed away on 2-15-13. Therefore, the Court will set status hearing for the final account on Friday 8-16-13.
		Account period: 11-19-10 through 12-10-12	
		Accounting: \$111,955.54	
		Beginning POH: \$100,600.47	
		Ending POH: \$96,989.19	
		(\$1,989.19 cash plus a life estate in certain real property valued at \$95,000.00)	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		Conservator: \$12,843.52 (110.38 Deputy hours @ \$96/hr plus 16.54 Staff hours @ \$76/hr – See Exhibit B)  Attorney: \$2,000.00 (per local rule)  Bond fee: not requested due to Conservatee's receipt of SSI benefits  Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions. Liens for fees and commissions for previous accounts exist as follows: Public Guardian \$6,663.60, County Counsel \$1,700.00 for First Account.	
		<b>Petitioner prays for an Order:</b> 5. Approving, allowing and settling the account; 6. Authorizing conservator and attorney fees; 7. Authorizing waiver of the bond fee; and 8. Any other orders the Court considers proper.	
		<b>Reviewed by:</b> skc <b>Reviewed on:</b> 4-11-13 <b>Updates:</b> <b>Recommendation:</b> <b>File 2A - Setrakian</b>	

**Petition for Payment of Fees to Court Appointed Conservatee and Request for Concurrent Calendar Setting**

<b>DOD: 2-15-13</b>			<p><b>DAVID N. KNUDSON</b>, Court appointed attorney for Conservatee, is Petitioner.</p> <p>Mr. Knudson was appointed to represent the Conservatee on 11-7-11.</p> <p>Previously, Mr. Knudson requested payment for the period 11-16-11 through 12-7-11, which was paid by the County of Fresno at the court rate of \$80/hr. At hearing on Public Guardian's petition for appointment of conservator of his person, Mr. Setrakian indicated that he wished to oppose the petition. Accordingly the matter was set for trial. In the course of representation it was necessary to meet with the Conservatee and Deputy Public Guardian Clint Yarbrough who was handling the estate. Services included these meetings as well as further meetings and discussions with the client concerning the pending trial, etc.</p> <p>At trial on 4-6-12, in spite of objections, the Court appointed Public Guardian as conservator of Mr. Setrakian's person. Following the trial, there were discussions about the disposition of the decedent's residence; it was subsequently addressed that the conservatee died on 2-15-13. The decedent had owned a life estate in the residence.</p> <p>Mr. Knudson requests that he be paid by the estate in connection with representation of the Conservatee from 1-17-12 through 5-16-12 for 17.05 hours @ \$275/hr for a total of \$4,688.75, as itemized.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>	W		
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
✓	<b>Order</b>			
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4-11-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2B - Setrakian</b></p>	

Atty Smith, Jane T., of County Counsel's Office (for Petitioner Public Guardian)

## (1) Second Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney, (3) Termination of Conservatorship (Prob. C. 1860, 1861, 2620, 2623, 2630, 2942)

<b>Age: 25 years</b>		<b>PUBLIC GUARDIAN</b> , Conservator of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Account period: 11/17/2010 – 11/16/2012</b>	
<b>Cont. from</b>		Accounting - <b>\$481.40</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		Beginning POH - <b>\$480.50</b>	
<input checked="" type="checkbox"/> <b>Verified</b>		Ending POH - <b>\$ 0.00</b>	
<input type="checkbox"/> <b>Inventory</b>		Conservator - <b>\$119.20</b>	
<input type="checkbox"/> <b>PTC</b>		(0.45 Deputy hours @ \$96/hr and 1.00 Staff hours @ \$76/hr; Exhibit B)	
<input type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		Attorney - <b>\$500.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/		(less than per Local Rule of \$2,000.00)	
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>		Bond fee - <b>Not requested</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>		(Conservatee received Social Security Supplemental Income benefits during account)	
<input type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>		<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/> <b>Duties/Supp</b>		1. Approving, allowing and settling the Second and Final Account;	
<input type="checkbox"/> <b>Objections</b>		2. Authorizing the Conservator and attorney fees and commissions;	
<input type="checkbox"/> <b>Video Receipt</b>		3. Waiving the bond fee owing to the Conservatee's limited Social Security Supplemental Income;	
<input type="checkbox"/> <b>CI Report</b>		4. Authorizing petitioner to impose a lien against the estate for any unpaid balances of authorized fees and commissions; and	
<input checked="" type="checkbox"/> <b>9202</b>		5. Terminating the Conservatorship of the Estate as no longer necessary because the assets have been depleted.	
<input type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by:</b> LEG
			<b>Reviewed on:</b> 4/11/13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 3 - Owens</b>

## (1) First and Final Account and Report of Successor Trustee and (2) Petition for Allowance of Compensation to Trustee and Attorney and (3) for Distribution

			<b>PUBLIC ADMINISTRATOR</b> , Trustee, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 3/20/13. Minute order states Mr. Motsenbocker will be filing a declaration regarding issues. As of 4/11/13 the following issues remain:</b>  1. Petition proposes to distribute 100% of the property on hand to the Deborah Ann Schroer Special Needs Trust. However the Trust Instrument devises 80% of the proceeds from the sale of the real property to the Settlor's son, Dean Scott Schroer, if he survives. Settlor died on August 11, 2003 and her son, Dean died on May 18, 2009. Because Dean survived the Settlor his estate would be entitled to 80% of the property on hand.  2. Need declaration of trustee, Bruce Bickel, pursuant to Local Rule 7.12.5.
			Account period: 5/1/12 – 10/19/12	
<b>Cont. from 032013</b>			Accounting - <b>\$90,000.00</b>	
	<b>Aff.Sub.Wit.</b>		Beginning POH - <b>\$90,000.00</b>	
✓	<b>Verified</b>		Ending POH - <b>\$73,776.74</b>	
	<b>Inventory</b>		Trustee - <b>\$3,600.00</b> (statutory)	
	<b>PTC</b>		Trustee x/o - <b>\$1,248.00</b> (for sale of real property and preparation of taxes)	
	<b>Not.Cred.</b>		Attorney - <b>\$3,600.00</b> (statutory)	
✓	<b>Notice of Hrg</b>		Bond - <b>\$112.50</b> (o.k.)	
✓	<b>Aff.Mail</b>	W/	Court fees - <b>\$395.00</b> (filing fee)	
	<b>Aff.Pub.</b>		<b>Petitioner prays for an Order:</b>	
	<b>Sp.Ntc.</b>		1. Approving, allowing and settling the first and final account;	
	<b>Pers.Serv.</b>		2. Authorizing Petitioner and his attorney \$3,600.00 each as compensation for their services;	
	<b>Conf. Screen</b>		3. Petitioner be allowed extraordinary commissions of \$1,248.00;	
	<b>Letters</b>		4. Authorizing bond fee of \$112.50 and filing fee of \$395.00	
	<b>Duties/Supp</b>		5. Authorizing distribution of the remaining property on hand consisting of \$64,386.24 to Bruce Bickel as Trustee of the Deborah Ann Schroer Special Needs Trust.	
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			

<b>Reviewed by: KT</b>
<b>Reviewed on: 4/11/13</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 4 - Schroer</b>

Atty Pape, Jeffrey B., of Pape &amp; Shewan (for Petitioner Kelli Pereira, Executor)

## (1) First and Final Report of Executor on Waiver of Account and (2) Petition for Allowance of Compensation to Executor and Attorneys for Ordinary and Extraordinary Services, and for (3) Final Distribution (Prob. C. 10810, 10900, 10951, 10954, 11600 and 11640)

<b>DOD: 5/21/2012</b>		<b>KELLI PEREIRA</b> , and Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Notes:</b> <ul style="list-style-type: none"> <li>• Notice of Hearing filed 3/8/2013 includes an incorrect hearing date of 4/16/2013 at Item 3(a).</li> <li>• Declaration of Jeffrey B. Pape in Support of and to Correct First and Final Report of Executor filed 4/15/2013 states their office served the Notice of Hearing for the date 4/16/2013 based upon the file-stamped copy of the Petition, which had the handwritten date of 4/16/2013 as the hearing date (copy attached as Exhibit A.)</li> <li>• This notice defect need not be grounds for continuance of this matter to allow for service of notice with a correct hearing date, as the only person with an interest in the estate entitled to receive notice of this Petition based upon the terms of the Decedent's Will is the Petitioner.</li> </ul>
		Accounting is waived.	
		I & A — <b>\$77,500.00</b>	
		POH — <b>\$12,935.59</b> (all cash)	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
	<b>Verified</b>		
✓	<b>Inventory</b>	Executor — <b>\$3,100.00</b> (statutory)	
✓	<b>PTC</b>	Executor X/O — <b>\$1,000.00</b> (for sale of real property)	
✓	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Attorney — <b>\$3,100.00</b> (statutory)	
✓	<b>Aff.Mail</b>	Attorney X/O — <b>\$1,000.00</b> (per Declaration and itemization, for 3.39 hours @ \$295.00/hour for real property sale)	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	Costs — <b>\$1,347.50</b> (filing fees, probate referee, publication, certified copies)	
	<b>Letters</b>	091112	
	<b>Duties/S</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
✓	<b>9202</b>		
✓	<b>FTB Notice</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>Order</b>		

**Distribution pursuant to Decedent's Will, and to priority of payment of general debts pursuant to Probate Code § 11420, is to:**

- Department of Healthcare Services – **\$576.15**;
- Costs advanced by attorney – **\$1,347.50**;
- Compensation for attorney ordinary services – **\$3,100.00**;
- Compensation for Executor ordinary services – **\$3,100.00**;
- Compensation for attorney extraordinary services – **\$1,000.00**;
- Compensation for Executor extraordinary services – **\$1,000.00**;
- Kelli Pereira (funeral expenses) – **\$2,622.88**;
- Kelli Pereira (post-death administration expenses for PG&E) – **\$177.80**;
- Phillips & Cohen (creditor's claim) – **\$5.63**;
- Pape & Shewan (creditor's claim) – **\$5.63**.

**Reviewed by:** LEG**Reviewed on:** 4/11/13**Updates:****Recommendation:****File 5 - Fischer**

Atty Lucich, Jr., Nicholas L., of Helon &amp; Manfredo (for Petitioner Sharon Elaine Thompson, Executor)

(1) First and Final Report of Executor, (2) Petition for Final Distribution on Waiver of Account and (3) for Allowance of Statutory Attorney's Fees [Prob. C. 10810, 10954 &amp; 11640]

<b>DOD: 9/6/2011</b>		<b>SHARON ELAINE THOMPSON</b> , spouse and Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
<b>Cont. from</b>		I & A — <b>\$670,754.34</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH — <b>\$659,673.33</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	( <i>\$41,561.66 is cash</i> )	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor — <b>waives</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney — <b>\$15,000.00</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	( <i>less than statutory of \$16,315.22</i> )	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Costs — <b>\$1,255.00</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	( <i>filing fees, publication, certified copies</i> )	
<input type="checkbox"/>	<b>Pers.Serv.</b>	Closing — <b>\$2,000.00</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	( <i>closing expenses including accounting fees</i> )	
<input type="checkbox"/>	<b>Letters</b>	103012	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>	<b>Distribution pursuant to Decedent's Will is to:</b>	
<input type="checkbox"/>	<b>Video Receipt</b>	• <b>SHARON ELAINE THOMPSON</b> as Trustee of the <b>TOM MICHAEL THOMPSON TESTAMENTARY TRUST</b> created under Decedent's Will ( <i>the terms of which are contained in the proposed order</i> ) – entire estate residue consisting of ½ community property interest in real property, ½ community property interest in shares of stock, and <b>\$23,306.66 cash</b> .	
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		<b>Reviewed by:</b> LEG
<input type="checkbox"/>	<b>Status Rpt</b>		<b>Reviewed on:</b> 4/12/13
<input type="checkbox"/>	<b>UCCJEA</b>		<b>Updates:</b>
<input type="checkbox"/>	<b>Citation</b>		<b>Recommendation:</b> SUBMITTED
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		<b>File 6 - Thompson</b>

**7A Alexander Disclaimer Trust dated 12/17/98**

Case No. 13CEPR00042

Atty Sherwood, Peter A., of Sherwood Law Offices, Visalia (for Petitioner Linda Alexander Di Michillie, Successor Trustee)

Atty Dowling, Michael P., sole practitioner (for Respondent Cara Alexander Gimlin, Successor Trustee)

Atty Brown, Lael K., sole practitioner, of Vacaville (Respondent for Kenneth A. Alexander, Trust Beneficiary)

**Petition for Order Confirming Ownership Interest in Real Property [Prob. C. 850, et seq.]**

Carolyn DOD: 6/17/2002	<p><b>LINDA ALEXANDER DE MICHILLIE</b>, daughter and Successor Trustee of the <b>ALEXANDER DISCLAIMER TRUST</b>, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>On 12/17/1998, <b>ARTHUR M. ALEXANDER</b> and <b>CAROLYN K. ALEXANDER</b> established the <b>ALEXANDER FAMILY 1998 REVOCABLE TRUST</b> (copy of Declaration of Trust attached as Exhibit A);</li> <li>Pursuant to the Trust terms, Arthur, as the surviving Settlor and Trustee, allocated assets of the <b>ALEXANDER FAMILY 1998 REVOCABLE TRUST</b> into a survivor's trust, that continued to be referred to as the <b>ALEXANDER FAMILY 1998 REVOCABLE TRUST</b> (hereafter <b>SURVIVOR'S TRUST</b>), and a disclaimer trust titled the <b>ALEXANDER DISCLAIMER TRUST</b>;</li> <li>On 4/11/2008, Arthur amended the <b>SURVIVOR'S TRUST</b> (copy of Amendment attached as Exhibit B); the Amendment appointed <b>CARA ANN ALEXANDER GIMLIN</b>, daughter, as temporary Co-Trustee of the <b>DISCLAIMER TRUST</b>;</li> <li>The <b>DISCLAIMER TRUST</b> became irrevocable upon the death of Carolyn on 6/17/2002; Arthur acted as Trustee of both the <b>DISCLAIMER TRUST</b> and the <b>SURVIVOR'S TRUST</b> until his death on 11/21/2011;</li> <li>Upon Arthur's death, pursuant to Trust terms <b>CARA ANN ALEXANDER GIMLIN</b> was appointed as the Successor Trustee of the <b>SURVIVOR'S TRUST</b>;</li> <li>Upon Arthur's death, pursuant to Trust terms <b>LINDA ALEXANDER DE MICHILLIE</b> [Petitioner] was appointed Successor Trustee of the <b>DISCLAIMER TRUST</b>;</li> <li>Pursuant to Trust terms, Cara Ann Alexander Gimlin's appointment as temporary Co-Trustee of the <b>DISCLAIMER TRUST</b> was terminated as a result of Arthur's death; (copy of Notice of Termination of Temporary Co-Trustee and Acceptance of Office of Successor Trustee of Trust attached as Exhibit C);</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Page 7B</u> is the Status Hearing.</p> <p><u>Continued from 3/18/2013.</u></p> <p><u>Note for background:</u> Minute Order dated 3/11/2013 states Ms. Brown is appearing via conference call. The Court indicates to the parties that it would be premature to either grant the petition or not given the information before it. Matter continued to 3/18/2013. The Court directs the parties to be prepared at the next hearing to address the issues of how to proceed with the trustee of the Disclaimer Trust, and how to proceed with the sale of the Mar Vista property.</p>
Arthur DOD: 11/21/2011		
Cont. from 031813		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		W /
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		W /
Conf. Screen		
Letters		
Duties/S		
✓ Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 4/11/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7A - Alexander</b></p>		

**Petitioner states, continued:**

- On 12/9/2002, Arthur disclaimed all right, title and interest in the assets allocated to the **DISCLAIMER TRUST** (copy of disclaimer attached as Exhibit D);
- Pursuant to the disclaimer, the assets allocated to the **DISCLAIMER TRUST** included "All stock and other securities (community property) of the Alexander Family Trust." Said stock and other securities included a Charles Schwab account and a UBS Financial Corp. account;
- On 11/9/2011, Arthur borrowed by margin loan **\$150,000.00** from the UBS Financial Corp account, and **\$190,327.95** from the Charles Schwab account, and said amounts were transferred to Stewart Title (copy of statements showing margin loans attached as Exhibit E);
- On 11/10/2011, Arthur and **KENNETH A. ALEXANDER**, son, and **SUZANNE M. ALEXANDER**, [daughter-in-law], purchased real property located on Mar Vista Drive in Monterey, California, for **\$375,000.00**, with escrow on the sale through Stewart Title, using the margin loan funds of **\$150,000.00** from the UBS and **\$190,327.95** from the Charles Schwab accounts toward the purchase of the property (copy of Buyer's Final Closing Statement attached as Exhibit F);
- A Grant Deed for the real property was recorded on 11/10/2011 in Monterey County Recorder's Office which vests title to: "Arthur M. Alexander, Trustee of the Alexander Family 1998 Revocable Trust UDT 12/17/1998 as to an undivided 50% interest and Kenneth A. Alexander and Suzanne M. Alexander, husband and wife as to an undivided 50% interest, all as tenants in common." (copy of Grant Deed attached as Exhibit G);
- Petitioner believes the remaining **\$37,500.00** was paid by Arthur, Trustee, and there is no mortgage lien or encumbrance against the real property; an appraisal of the real property located on Mar Vista Drive as of 5/21/2012 valued the real property at **\$480,000.00**;
- From the date of the margin loans on 11/9/2011 through 10/31/2012, the **DISCLAIMER TRUST** has paid interest to UBS Financial Corp. in the amount of **\$7,700.00** and to Charles Schwab in the amount of **\$12,787.75**; the **DISCLAIMER TRUST** will continue to pay interest on the margin loans until they are repaid;
- Petitioner believes that the real property on Mar Vista Drive is currently used as rental property, and that Kenneth A. Alexander has collected all rental proceeds in an amount in excess of **\$20,000.00** (copy of Residential Lease Agreement for real property located at 549 Mar Vista, Monterey naming Kenneth A. Alexander and Suzanne M. Alexander as landlords attached as Exhibit H);
- Kenneth has not used any of the income from the rental property to repay the margin loans used for the purchase of said real property;
- It is necessary to confirm the **DISCLAIMER TRUST's** interest in the real property since the ownership of the real property is claimed by the **SURVIVOR'S TRUST** [aka Alexander Family 1998 Revocable Trust] and Kenneth A. Alexander and Suzanne M. Alexander;
- **Petitioner requests** an order from this Court pursuant to Probate Code § 850(a)(2)(c) [and 850(a)(3)(B)] for confirmation of the Trust's ownership of the real property on Mar Vista Drive in Monterey, and requests that an equitable lien for the value of the margin loans, interest paid, as well as accruing interest, be placed against the real property, and in addition, that the real property be immediately sold and that said equitable lien be paid from the sale proceeds.

**Petitioner prays for a Court order:**

1. Confirming the **DISCLAIMER TRUST's** interest in the real property on Mar Vista Drive in Monterey, including but not limited to the amounts of the margin loans used for the purchase of the real property, and interest paid and accruing interest on margin loans; and
2. Directing the immediate sale of the real property on Mar Vista Drive in Monterey, and that the equitable lien to be placed by the Court be paid from the sale proceeds to the Petitioner, as Successor Trustee of the **DISCLAIMER TRUST**, prior to any other reimbursements that may be claimed for the real property.

**~Please see additional page~**

**Cara A. Alexander Gimlin's Response to Petition for Order Confirming Ownership Interest in Real Property filed 3/6/2013 states:**

- She [hereafter Respondent Cara] is Successor Trustee of the **ALEXANDER FAMILY 1998 REVOCABLE TRUST**, as amended (hereafter **SURVIVOR'S TRUST**), and as beneficiary of the **SURVIVOR'S TRUST** and the **DISCLAIMER TRUST**;
- As Successor Trustee, Respondent Cara holds title to an undivided 50% interest as a tenant-in-common in 549 Mar Vista Drive, Monterey, which is subject to a lease agreement that expires 3/10/2014;
- Respondent Cara's co-[owners of the property], **KENNETH ALEXANDER** and **SUZANNE ALEXANDER**, entered into the lease with the tenants and have been collecting rent of **\$2,400.00** per month since March of [2012];
- Respondent Cara is not a party to the lease and did not agree to rent to the current tenants;
- Respondent Cara does not oppose the equitable lien being sought against the property by the Successor Trustee of the **ALEXANDER DISCLAIMER TRUST**, or sale of the property;
- Respondent Cara does, however, believe the **SURVIVOR'S TRUST** is entitled to the rents that have been collected by **KENNETH ALEXANDER** and **SUZANNE ALEXANDER**, as Respondent Cara has advanced costs towards maintenance and upkeep of the property, including insurance premiums and debt service of **\$8,400.00** on the margin loans used to finance the purchase of the property, and must continue to pay down the margin loan debt;
- Respondent Cara alleges that based upon the above-referenced circumstances, **the SURVIVOR'S TRUST's claim to the rental money is superior to that of any other party to these proceedings** [emphasis added] and should be reimburse to Respondent and/or disgorged prior to any other reimbursements that may be claimed.

**Objections by Kenneth Alexander to Petition for Order Confirming Ownership Interest in Real Property filed 3/7/2013 states:**

- He [hereafter Respondent Kenneth] is the son of Decedent and is named as beneficiary in the Decedent's Family Trust and Disclaimer Trusts [sic];
- Respondent Kenneth is also the alternate Successor Trustee of the **ALEXANDER [FAMILY 1998] REVOCABLE TRUST** [aka **SURVIVOR'S TRUST**] and is a 50% owner of the real property located on Mar Vista Drive in Monterey;
- Respondent Kenneth objects to the petition on the following grounds:
  - **Ground 1:** Petitioner is wrongfully acting as Successor Trustee of the **ALEXANDER DISCLAIMER TRUST**; she is named as Successor Trustee on the original trust document, but the Settlor, Arthur Alexander, amended the original trust on 4/11/2008 to appoint **CARA GIMLIN** the first successor trustee rather than **LINDA DE MICHILLIE**; Settlor intended to amend the [**ALEXANDER FAMILY 1998 REVOCABLE TRUST**] in its entirety, including the **DISCLAIMER TRUST** and did not intend for Linda to act as successor trustee for either Trust; the 4/11/2008 amendment names Linda as third alternate successor trustee to the [**ALEXANDER FAMILY 1998 REVOCABLE TRUST**] and nominating Cara Gimlin as successor trustee (Please see Exhibits E and F attached to Declaration of Kenneth Alexander);

~Please see additional page~

**Objections by Kenneth Alexander, continued:**

- **Ground 2:** Venue is not proper in Fresno County because Petitioner does not have authority to act as Successor Trustee; Decedent passed away on 11/21/2011, domiciled in Monterey County; the Successor Trustee for both the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] and, until recently, the **DISCLAIMER TRUST**, resides in Elk Grove, Sacramento County, and the second alternate successor trustee resides in Solano County; therefore, it does not make sense to have this matter heard in Fresno as the matter involves both the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] and the **DISCLAIMER TRUST**; even if a court could find that Fresno has jurisdiction over the **DISCLAIMER TRUST**, any matters concerning the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] could not be addressed by this court, as Linda De Michillie has not made any claim that she is successor trustee of the [ALEXANDER FAMILY 1998 REVOCABLE TRUST]; given that there are also many unresolved issues with the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] that can only be pursued either in Monterey County or Sacramento County, it is a waste of judiciary resources to address the **DISCLAIMER TRUST** matters in one court and the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] matters in another; the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] and the **DISCLAIMER TRUST** should be combined into one matter and heard in Sacramento County, which is the residence of the successor trustee of the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] per Probate Code § 17005; **Respondent Kenneth plans on filing a petition in Sacramento County to combine the two trusts under Probate Code § 15411, as both trusts are now irrevocable and share the same trust purpose.** *[emphasis added]*
- **Ground 3:** The **DISCLAIMER TRUST** has no ownership interest in the property located on Mar Vista Drive in Monterey; the Settlor intended for Respondent Kenneth to have a 50% interest in the property and added Kenneth and his wife to the Grant Deed; Respondent Kenneth and Decedent had formed a partnership they referred to as "A and K Rentals" with the idea that Decedent would provide the funds to purchase and fix up the property and Kenneth would provide the skill and labor necessary for the task; Kenneth spent the next 6 months working on the property with his sons and wife with the understanding that he was co-owner of the property; Decedent took out a loan for the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] against the **DISCLAIMER TRUST**, and the **DISCLAIMER TRUST** must look towards the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] for an equitable remedy in this matter.
- **Ground 4:** Petitioner has repeatedly sabotaged the attempts of the successor trustee of the [ALEXANDER FAMILY 1998 REVOCABLE TRUST], Cara Gimlin, to administer the family trust.
- **Ground 5:** Petitioner failed to provide notice of the hearing to Decedent's spouse, **BETSY or BEATRICE ALEXANDER**, who is provided for in both Decedent's Amendment and Codicil (*Please see Exhibits E and G attached to Declaration of Kenneth Alexander*);
- **Ground 6:** Kenneth Alexander has no duty to account to or forward rental income to the **DISCLAIMER TRUST**; his only duty is to the [ALEXANDER FAMILY 1998 REVOCABLE TRUST] as a 50% [owner] of the real property.

**Respondent Kenneth Alexander requests the Court:**

1. Deny Linda De Michillie's Petition for Order Confirming Ownership Interest in Real Property;
2. Allow Respondent Kenneth's attorney fees be paid out of the **DISCLAIMER TRUST** for this objection as the Petition was not filed in the Trusts's best interests or [with] Trust purpose in mind; and
3. Order that the **DISCLAIMER TRUST** be reimbursed by Petitioner personally for attorney fees and costs in filing this [objection.]

**Declaration of Kenneth Alexander in Support of Objections to Petition for Order Confirming Ownership Interest in Real Property filed 3/7/2013 contains further facts and includes Exhibits A through G in support of the objections.**

<b>Atty</b>	<b>Sherwood, Peter A., of Sherwood Law Offices, Visalia (for Petitioner Linda Alexander Di Michillie, Successor Trustee)</b>
<b>Atty</b>	<b>Dowling, Michael P., sole practitioner (for Respondent Cara Alexander Gimlin, Successor Trustee)</b>
<b>Atty</b>	<b>Brown, Lael K., sole practitioner, of Vacaville (Respondent for Kenneth A. Alexander, Trust Beneficiary)</b>

## Status Hearing

[illegible]

## Petition for Termination of Guardianship

**9A Gabriella Marin, Richard Marin, Jr. and Daniel Marin (GUARD/P)****Case No. 09CEPR00391****Atty Cabrera, Augustina (pro per Guardian/maternal great-aunt)****Atty Sanchez, Stacy (pro per Petitioner/maternal aunt)****Petition for Termination of Guardianship**

<b>Gabriella age: 17</b>	<b>STACY SANCHEZ</b> , maternal aunt, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of personal service of the Notice of Hearing along on: a. Augustine Cabrera (guardian) b. Richard Marin (father) c. Phyliss Marin (mother) d. Gabriella Marin (minor) e. Richard Marin, Jr. (minor) f. Daniel Marin (minor) g. Gilidoro Marin (paternal grandfather) h. Elvira Marin (paternal grandmother) i. Richard Terceo (maternal grandfather) Emelia Caballero (maternal grandmother)
<b>Richard age: 16</b>	<b>AUGUSTINE CABRERA</b> , maternal great-aunt, was appointed guardian n 1/14/10.	
<b>Daniel age: 12</b>	Father: <b>RICHARD MARIN</b>	
	Mother: <b>PHYLISS MARIN</b>	
<b>Cont. from 030413</b>	Paternal grandfather: Gilidoro Marin	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandmother: Elvira Marin	
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal grandfather: Richard Tercero	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandmother: Emelia Caballero	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioner alleges</b> the children are physically and mentally abused. The guardian allows her children to beat up on the minors and locks the food and keeps the minors from eating. The twelve year old stole pizza from the school so he could eat.	
<input type="checkbox"/> <b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	<b>Court Investigator Jennifer Young's Report filed on 4/11/13</b>	
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 4/12/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9A - Marin</b>

**9A**

**9B Gabriella Marin, Richard Marin, Jr. and Daniel Marin (GUARD/P)**  
**Case No. 09CEPR00391**

Atty Cabrera, Augustina (pro per Guardian/maternal great-aunt)  
 Atty Sanchez, Stacy (pro per Petitioner/maternal aunt)

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Gabriella age: 17</b>	<b>STACY SANCHEZ</b> , maternal aunt, is petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Richard age: 16</b>	<b>AUGUSTINE CABRERA</b> , maternal great-aunt, was appointed guardian n 1/14/10.		
<b>Daniel age: 12</b>	Father: <b>RICHARD MARIN</b>		2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: j. Augustine Cabrera (guardian) k. Richard Marin (father) l. Phyliss Marin (mother) m. Gabriella Marin (minor) n. Richard Marin, Jr. (minor) o. Daniel Marin (minor)
	Mother: <b>PHYLISS MARIN</b>		
<b>Cont. from 030413</b>	Paternal grandfather: Gilidoro Marin		3. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Gilardo Marin (paternal grandfather) b. Elvira Marin (paternal grandmother) c. Richard Tercero (paternal grandfather) d. Emelia Caballero (maternal grandfather)
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandmother: Elvira Marin		
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal grandfather: Richard Tercero		
<input type="checkbox"/> <b>Inventory</b>	Maternal grandmother: Emelia Caballero		
<input type="checkbox"/> <b>PTC</b>	<b>Petitioner alleges</b> it is rare that she sees her niece and nephews because her aunt will not allow it. However on Thursday, 2/7 of this year she saw Richard Jr. and he had scratches on his neck. Petitioner states she found out that her aunt's 50 year old renter, struck the minor and gave him some scratches. This is not an isolated incident and the guardian knows about it and does nothing. In fact she allows her older children to beat on her nephews. Not only have they undergone emotional abuse but the guardian also hides the food from them and will not allow them to go into the refrigerator.		
<input type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
<input type="checkbox"/> <b>Aff.Mail</b>	X		
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>	X		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>	<b>Court Investigator Jennifer Young's Report filed on 4/11/13.</b>		
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input checked="" type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 4/12/13</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 9B- Marin</b>

**9B**

<b>Age: 8</b>	<b>ALAN WILLIAM REINHARDT and MAVIS JEAN REINHARDT</b> were appointed Guardians of the Person and Estate on 2-9-12.  Also on 2-9-12, the Court set this status hearing for the filing of the first account.  Inventory and Appraisal filed 9-6-12 indicates that \$7,383.40 is held in a blocked account.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need first account pursuant to Probate Code §§ 2620, 1060.</b>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Atty Weatherson, Paula Ann (Pro Per – Paternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

<b>Age: 3 months</b>		<b>TEMPORARY EXPIRES 4-17-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>PAULA ANN WEATHERSON</b> , Paternal Grandmother, is Petitioner.	<b>Note:</b> The maternal grandmother Dawn Smith was granted guardianship of this minor's sibling Braiden Halvorson, age 2, in 11CEPR01011. The Court may wish to consolidate these related cases, since the minors are siblings with the same mother. (11CEPR01011 as LEAD)
		Father: <b>PAUL ANDREW WEATHERSON</b>	<b>1. If diligence is not found, need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on maternal grandfather.</b>
		- Consent and Waiver of Notice filed 4-10-13	
		Mother: <b>BREANNA BUSHEY</b>	
		- Consent and Waiver of Notice filed 4-4-13	
		Paternal Grandfather: Richard L. Weatherson	
		- Consent and Waiver of Notice filed 2-25-13	
		Maternal Grandfather: Unknown	
		- Declaration of Due Diligence filed 2-15-13	
		Maternal Grandmother: Dawn Smith	
		- Consent and Waiver of Notice filed 2-25-13	
		<b>Petitioner states</b> both parents are incarcerated for drugs (meth). The child was born testing positive to meth and marijuana. CPS discharged the child to Petitioner from the hospital. The child needs medical attention as soon as possible to make sure he has no drug reactions or withdrawal problems. Petitioner states she can put the baby on her insurance active 3-1-13 if she can get papers before that date.	
		<b>Court Investigator Jo Ann Morris filed a report on 4-11-13.</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/>	<b>Verified</b>		<b>Reviewed on:</b> 4-12-13
<input type="checkbox"/>	<b>Inventory</b>		<b>Updates:</b>
<input type="checkbox"/>	<b>PTC</b>		<b>Recommendation:</b>
<input type="checkbox"/>	<b>Not.Cred.</b>		<b>File 11 – Weatherson</b>
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
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<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>Clearances</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		